

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 6/22/2021

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PRINYAH GODIAH NMIAA PAYNES EL BEY, :
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Plaintiff, :
:
-v - :
:
CUBESMART SELF STORAGE, :
CUBESMART STORE 0558, and :
CUBESMART CORP., :
:
Defendants. :
:
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1:20-cv-521-GHW

ORDER

GREGORY H. WOODS, District Judge:

On June 8, 2021, the Court scheduled a status conference in this matter for June 22, 2021. Dkt. No. 55. On June 22, 2021, the Court, defense counsel, and the court reporter all appeared in person at the scheduled time and waited for Ms. El Bey to appear. After she failed to do so, the Court adjourned the conference.

The Court will hold a status conference on **July 6, 2021 at 10:00 a.m.** The conference will take place in Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York, 10007. If either party wishes the conference to take place by phone, they should inform the Court of that desire by letter no later than June 29, 2021.

The Court reminds Ms. El Bey that she must comply with the Court's orders. The status conference Ms. El Bey failed to attend was scheduled at her request. Dkt. No. 51. The Clerk of Court mailed the Court's order scheduling the June 22, 2021 conference to Ms. El Bey's address as listed on the docket, and the Court has not received any information that would indicate Ms. El Bey has not received that order. If Ms. El Bey continues to fail to comply with the Court's orders, the Court expects to dismiss this case under Federal Rule of Civil Procedure 41(b). Rule 41(b) provides, in relevant part, that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court

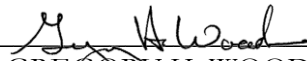
order, a defendant may move to dismiss the action or any claim against it.” Fed. R. Civ. P. 41(b).

“Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.” *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

The Clerk of Court is directed to send a copy of this order to Plaintiff by first class and certified mail.

SO ORDERED.

Dated: June 22, 2021
New York, New York


GREGORY H. WOODS
United States District Judge